



Fed. R. Civ. P. Rule § 20 (a) states “persons may join in one action if: (1) they assert any right to relief jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences;” and “(2) any question of law or fact common to all plaintiffs will arise in the action.” Fed. R. Civ. P. 20(a). This case raises issues about the breach of duty of fair representation and breach of fiduciary duty claims of Plaintiff’s union National Officers against Plaintiff. Plaintiff asserts a right to relief jointly and severally and all questions of law and fact as to the Plaintiff will arise in the action.

Fed. R. Civ. P. § 15(a) states a party may amend his pleading once as a matter of course within twenty-one days after serving it or, if the pleading is one to which a responsive pleading is required, twenty-one days after service of a responsive pleading or twenty-one days after service of a Rule 12(b), whichever is earlier. Otherwise, a party may amend its pleading only with the opposing party's written consent or the court's leave. Rule 15 provides that the court should freely give leave to amend when justice so requires. Plaintiff requests the court grant leave to amend and grant this motion of joinder to include additional parties. Attached to this Second Amended Motion is a Proposed Second Amended Complaint.

In support, Plaintiff submits an Appendix in Support of its Motion for Leave to File which is hereto attached (“Appendix”). Also in support is a Brief in Support of this Motion for Joinder and Motion for Leave to Amend Complaint, which is incorporated herein and filed contemporaneously with this Motion (“Brief”). Further in support of the Motion and its Brief is new evidence produced in discovery by Defendants on September 1, 2023 that notice of the Confidential Memo was sent to all four National Officers on October 22, 2020. (Appendix 1-14).

This Motion is based upon all records and proceedings submitted in conjunction with this Motion including but not limited to the Appendix and supporting brief. Plaintiff respectfully

requests the Court to grant Plaintiff's Second Amended Motion for Leave to File a Second Amended Complaint.

September 27, 2023

Respectfully submitted,  
K.D. PHILLIPS LAW FIRM, PLLC

By: /s/ Kerri Phillips  
Kerri Phillips  
Texas Bar No. 24065906  
Phone: (972) 327-5800  
Email: [kerri@KDphillipslaw.com](mailto:kerri@KDphillipslaw.com)  
6010 W. Spring Creek Parkway  
Plano, Texas 75024  
Fax: (940) 400-0089  
For Service of Filings:  
[notice@KDphillipslaw.com](mailto:notice@KDphillipslaw.com)  
**ATTORNEY FOR PLAINTIFF**

**CERTIFICATE OF CONFERENCE**

I, Kerri Phillips, attorney for Plaintiff Robert "Bob" Ross, hereby certify that on the 13th day of September 2023, in an email to opposing counsel for purposes of conference with Jeff Bartos, Charlette Matts, and James Sanford, counsel for Defendants, I informed each of them of the filing of this Motion. On a telephone call on September 15, 2023, Defendants' counsel stated he was opposed to the filing of this motion.

/s/ Kerri Phillips  
Kerri Phillips

**CERTIFICATE OF SERVICE**

I certify that true and correct copy of this document was sent to all counsel of record, hereunder listed via ECF filing on this the 27th day of September 2023.

Jeff Bartos  
James Sanford  
Charlette Matts

/s/ Kerri Phillips  
Kerri Phillips